

**IN THE IOWA DISTRICT COURT IN AND FOR
BLACK HAWK COUNTY**

This Complaint and Affidavit is to be:

- ☒ Filed with Court Clerk (cc: CA)
☐ Submitted to County Attorney
☐ Filed with JCO - Defendant is a Juvenile

Agency Case Number: **2021008190**

Arrest Date: _____

THE STATE OF IOWA

VS.

OFFENDER

| | | | | | | |
|---------------------------------------|--------------------------|---------------------------------|-------------------------|---|--------------------|--------------------------|
| Last ALVAREZ-VICTORIANO | | First MARCELINO | | Middle | Suffix | |
| Address 824 WEST 8TH STREET | | | City WATERLOO | | State IA | Zip Code 50701 |
| DL# | State MX | DL Class | DL Endorsements | | DL Restrictions | |
| Date of Birth 04/05/1977 | Gender MALE | Race UNKNOWN - U | | Ethnicity HISPANIC ORIGIN - H | | |
| Height 5' 02" | Weight 145 LBS | Eye Color BROWN - BRO | | Hair Color BLACK - BLK | | |

OFFENSE

| | | | | | | | | |
|---|------------------------------------|---|---------------------------------------|---|--|--------------------------------|--------------------------|------|
| State <input checked="" type="checkbox"/> | County <input type="checkbox"/> | Local <input type="checkbox"/> | Code Section 708.3A(4) | Crime Description ASSAULT ON PERSONS IN CERTAIN OCCUPATIONS | | Speed | in | Zone |
| Class SRMS | | | Serious P.I. <input type="checkbox"/> | Fatal Accident <input type="checkbox"/> | Civil Damage Assessment <input type="checkbox"/> | Other <input type="checkbox"/> | | |
| Location Type 13 - HIGHWAY/ROAD/ALLEY | | | | | | | | |
| Literal Description INTERSECTION OF WEST 6TH STREET & COMMERCIAL STREET | | | | | | | | |
| Address WEST 6TH ST & COMMERCIAL ST | | | | City WATEROO | | State IA | Zip Code 50701 | |
| Is Date and Time of Incident Known? YES | | Incident Date or Low Range 04/07/2021 | | Upper Date Range | Incident Time or Low Range 00:52 | | Upper Time Range | |

STATUS OF OFFENDER/JUVENILE

| | | |
|---|--|---|
| <input type="checkbox"/> TAKEN INTO CUSTODY | CUSTODY | <input type="checkbox"/> SUMMONS TO APPEAR (Citation Issued) |
| <input checked="" type="checkbox"/> WARRANT REQUESTED | <input type="checkbox"/> NO CONTACT ORDER REQUESTED | <input type="checkbox"/> RELEASED TO PARENT/GUARDIAN |

NARRATIVE

Narrative of Offense Committed

On or about the above stated date and time, the Defendant did

assault M.I., a peace officer, jailer, correctional staff, member or employee of board of parole, health care provider, employee of the department of human services or firefighter, knowing that M.I. was a peace officer, jailer, correctional staff, member or employee of board of parole, health care provider, employee of the department of human services or firefighter

AFFIDAVIT

STATE OF IOWA, BLACK HAWK COUNTY

I, the undersigned, being duly sworn, state that all facts contained in this Complaint and Affidavit, known by me or told to me by other reliable persons form the basis for my belief that the defendant committed this crime

State all facts and persons relied upon supporting elements of alleged crime

On 4/7/21, at approximately 12:45 a.m., Black Hawk County Dispatch received a 911 call reporting that a male subject was walking down Commercial Street, towards downtown Waterloo, with a rifle or a shotgun. At approximately 12:52 am, a Black Hawk County Sheriff's Deputy encountered the subject, later identified as Marcelino Alvarez-Victoriano, by the bridge near the intersection of Commercial Street and West 6th Street. The first deputy was in full uniform and driving a fully marked patrol vehicle. As the Deputy exited his vehicle, the subject grabbed what appeared to be a long gun, from a concrete barrier next to him, and pointed it at the Deputy. Alvarez-Victoriano spoke to Deputy in an aggressive manner, and advanced with his weapon pointed at him. The Deputy drew his service weapon and retreated to the cover of his patrol vehicle. Alvarez-Victoriano continued to pursue the Deputy around his vehicle, pointing his weapon at him. As the Deputy continued to seek cover, another Black Hawk County Sheriff's Deputy arrived and attempted to strike Alvarez-Victoriano with his patrol vehicle. Alvarez-Victoriano side-stepped the vehicle and then advanced towards the second deputy's vehicle, shouldering his weapon at him through the back window. Both deputies were in uniform and driving fully marked patrol vehicles. Alvarez-Victoriano then returned to pursuing the first Deputy around his vehicle, refusing to drop his weapon, as directed. A responding Waterloo Police Officer arrived on scene and shot Alvarez-Victoriano. Alvarez-Victoriano was ultimately transported to University of Iowa Hospitals & Clinics for treatment for gunshot wounds and related injuries. The weapon that Alvarez-Victoriano was holding was later determined to be an airgun. An assault was committed upon the second Deputy by advancing upon the vehicle and pointing the weapon through the back window.



Reger, Scott

I168

Signature of Complainant or Officer, Officer Name & Number

GENERAL PROBABLE CAUSE

Defendant Implicated

08 - CRIME OBSERVED BY OFFICERS

Operating Motor Vehicle in County

Other Physical Evidence

Attempted To Inflict Injury

STATE OF IOWA,

BLACK HAWK COUNTY



Subscribed and sworn to before me by the person(s) signing the Complaint and Affidavit(s) on 04/08/2021

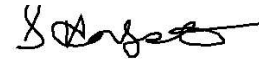
Notary Name

S. HERBST

Signature of Verifying Party

Commission Number

705752



My Commission Expires

09/28/2021



Peace Officer



Notary



Prosecuting Attorney